

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES CZARNECKI and  
ANNE CZARNECKI, h/w

v.

HOME DEPOT USA, INC.

: CIVIL ACTION

:

:

:

:

: NO. 07-4384

FILED

JUN - 3 2009

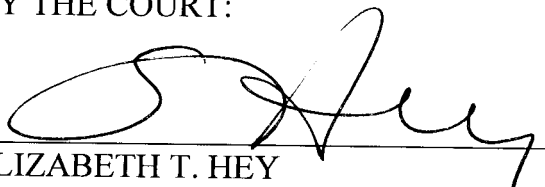
MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

AND NOW, this 3<sup>rd</sup> day of June, 2009, after consideration of Defendant's motion to preclude Plaintiffs' proposed expert testimony and for summary judgment (Doc. 47), Plaintiffs' response thereto (Doc. 50), and Defendant's reply (Doc. 60), it is hereby ORDERED that the motion is DENIED.

IT IS FURTHER ORDERED that Counts I and II are hereby DISMISSED on Plaintiffs' representation that they are withdrawn.

BY THE COURT:

  
\_\_\_\_\_  
ELIZABETH T. HEY  
UNITED STATES MAGISTRATE JUDGE